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5/7/03

James C. Baker

Attorney of Record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Karen M. Downs
Serial No.: 09/336,103
Filed: June 18, 1999
For: CHIMERIC MAMMALIAN ALLANTOIS
Group Art Unit: 1632
Examiner: M. Wilson

Commissioner For Patents
Washington, D.C. 20231

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DECLARATION OF KAREN M. DOWNS

Dear Sir:

I, Karen M. Downs, declare that:

1. I am the inventor in the above-identified case.

I am an associate professor in the Department of Anatomy at the University of Wisconsin-Madison and I am also the first-named author in Downs, 1995, cited by the Examiner.

I have reviewed the Examiner's March 19, 2003 Office Action in the above-identified case and have been asked to comment on the Examiner's statement that "... Fig. 4B clearly shows Downs observed vasculogenesis within the allantoic stump."

2. I disagree with the Examiner's characterization of Downs, 1995. This was an incorrect use of the term "vasculogenesis."

3. It is unfortunate that we used the term "vasculogenesis" in Downs, 1995 to mean "vascularization" of the allantoic regenerates. The illustration of Fig. 4B and, in fact, the entire disclosure of the paper, does not demonstrate that allantoic mesoderm forms blood vessels "de novo" in a process of vasculogenesis. The blood vessels contained within the regenerates could have come from a process of extension of preformed blood vessels from the adjacent yolk sac and/or fetus, a process called angiogenesis. A careful reading of the papers which followed would indicate that the only disclosure which clearly demonstrated a mechanism of vasculogenesis of the allantois was Downs, et al., 1998.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

Dated: 5/5/03

Karen M. Downs
Karen M. Downs

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